

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

MATTHEW HUSKEY

PLAINTIFF

v.

No. 1:17CV140-SA-JMV

MARSHALL FISHER, ET AL.

DEFENDANTS

ORDER DENYING PLAINTIFF'S MOTION [33]  
FOR ALTER OR AMEND JUDGMENT

This matter comes before the court on the plaintiff's motion for reconsideration of the court's order [27] adopting the Magistrate Judge's Report and Recommendation and dismissing some claims and parties. The court interprets the motion, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as a motion to amend judgment under Fed. R. Civ. P. 59(e), which must be filed within 28 days of entry of judgment. An order granting relief under Rule 59(e) is appropriate when: (1) there has been an intervening change in the controlling law, (2) where the movant presents newly discovered evidence that was previously unavailable, or (3) to correct a manifest error of law or fact. *Schiller v. Physicians Res. Grp. Inc.*, 342 F.3d 563, 567 (5<sup>th</sup> Cir. 2003). The plaintiff has neither asserted nor proven any of the justifications to amend a judgment under Fed. R. Civ. P. 59(e). As such, the plaintiff's request to alter or amend judgment is DENIED.

SO ORDERED, this, the 18th day of May, 2018.

/s/ Sharion Aycock  
U. S. DISTRICT JUDGE